IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 4660 of 2002

Between:
1 Sri Karuturi Satyanaryana son of Narasimhamurthy
S. Muppavaram , Chagallu Mandal, West Godavari Dist
2 Alapati Veera Venkata Satyanarayana son of Somaraju,
Markondapadu village, Chagallu Mandal, West Godavari District
..... PETITIONERS

AND

1 The Principal Secretary, Govt of AP, Revenue Department,
Secretariat, Hyderabad
2 The Principal Secretary, Govt of AP Panchayat Raj Department
Secretariat, Hyderabad
3 The Chief Commissioner of Land Administration, Revenue , Govt of AP
Nampally, Hyderabad
4 The Director of Survey, Settlement and Land Records, Govt of AP
Gruhakalpa Buildigns , Gandhi Bhavan Road, Hyderabad
5 The District Collector, West Godavari District, Eluru
6 The Revenue Divisional Officer, Kovvur, West Godavari District
7 The Assistant Director, Survey , Settlement and Land Records,
Eluru, West Godavari District
8 The Mandal Revenue officer, Chagallu Mandal,
West Godavari District
9 The S.Muppavarm Gram Panchayat, S.Muppavaram , Chagallu Mandal
West Godavari District
10 The Marakandupadu Gram Panchayat, Marakandupadu, Chagallu Mandal
West Godavari District
11 The Andhra Pradesh Pollution Control Board
Eluru, West Godavari District
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that

in the circumstances stated in the Affidavit filed herein the High Court will be pleased to a) to call for the Revenue records of the MRO, Chagallu Mandal pertaining to the village of Singanna Muppavarm village& Marakandupadu village, prior to 1987 and after 1988 and direct the authorities to correct the revenue records as per the records prior to 1987 and to declare the revenue records since 1988 as illegal and not tenable under Law; b) to call for the No. 2 Adangals for the years 1965-67, 1983-84 and 1986-87 from the office of Assistant Director, Survey &Land Records, West Godavari District, Eluru, Chief Commissioner of Land Administration, Hyderabad and Mandal Revenue Officer, Chagallu, west Godavari District and compare with the records maintained by the authorities subsequent to the year 1988. c) to direct the respondents to maintain the records prior to 1988 as valid and declare the subsequent entries after 1988 in revenue records pertaining to the villages of Singanna Muppavarm Village & Marakandupadu Village, of Chagallu Mandal, west Godavari Dist., as illegal, d) to direct the Respondent authorities to declare the properties ie., an extent of Ac. 6.97 (H.2.82) depression of water tank by name "Koramenu Gandi" meant for burial ground, road and grazing land in the village of Markandupadu and an extent of AC. 25.54 cents (H. 10.54) a fresh water tank using for the purpose of dirking water as communal properties and protect from any Encroachments.

For the Petitioners:MR.VENKATESWARA RAO GUDAPATI,Advocate

For the Respondent Nos.1 to 8 &10: GP FOR REVENUE

For the Respondent No.9 : MR. P. SATYANARAYANA, Advocate

For the Respondent No.11:MRS.V.BHAT, S.C for A.P. Pollution Control Board

The Court made the following :

ORAL ORDER: (per Hon'ble The Chief Justice).

Two petitioners filed this Writ Petition seeking directions against the respondents herein for correction of entries in revenue records and to ensure protection of fresh water tank stated to be located in Marakandupadu village.

Counter affidavit has been filed on behalf of A.P. Pollution Control Board by P. Ravindra Nath, Environmental Engineer. On behalf of S. Muppavaram Gram Panchayat, its counsel states that already steps have been taken by the Revenue authorities for correction of entries in the revenue records.

As per the reply affidavit of the Environmental Engineer, the Board officials inspected the water tank and surrounding areas in the presence of Panchayat Secretary and President of Panchayat Board and the inspection revealed that a fresh water pond has been in existence besides Nidadavole-I. Pangidi road with the following boundaries:

East : Nidadavole-I.Pangidi road (MDR)

West : Agricultural lands

North : Cart track followed by burial ground

South : Agricultural lands

The reply affidavit further states that the pond has catchment area of 1000 acres and is mainly fed during rainy season from inlet located in north-west corner. The over flow from the pond is connected to open channels in the north-east corner. The pond gets filled up during rainy season due to rains in the catchment area and during summer and winter, the normal agricultural run off from the area is not joining the pond, but is flowing through an open channel towards the southern direction. The inspection further revealed that the main drinking water sources for S.Muppavaram village is a bore well located at 200 meters away from pond. Protected water supply was also commissioned in the years 1997 and 1998. The supply from the protected water supply is 80 KLD and the population of the village is about 1400 persons. It is also observed that people are carrying water from the pond for the domestic usage, which is due to the insufficient supply by the protected water supply. As the water from the pond is also utilized for the domestic purposes, the agricultural run off from the agricultural lands joining the water pond has to be stalled because it is polluting the water body.

Environmental Engineer has suggested that

S. Muppavaram Gram Panchayat has to take appropriate steps for preventing the joining of agricultural run off generated from agricultural fields abutting the pond in the western and southern sides and to make proper bunding and rivetment of the bunds so as to prevent pollution of the water pond.

Since we are informed that the revenue authorities have already taken up the corrections of entries in the revenue records which we hope they will carry out in accordance with law, we dispose of this writ petition with direction that the Gram Panchayat will take appropriate measures as suggested by the Environmental Engineer and would

ensure that the water pond does not get polluted because of the pollutants being thrown into it.

Writ petition stands disposed of. No costs.

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DEVINDER GUPTA, C.J.

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G. ROHINI, J.

Dated: 07-07-2004

Kvrk

To

1 The Principal Secretary, Govt of AP, Revenue Department,

Secretariat, Hyderabad

2 The Principal Secretary, Govt of AP Panchayat Raj Department
Secretariat, Hyderabad

3 The Chief Commissioner of Land Administration, Revenue , Govt of AP
Nampally, Hyderabad

4 The Director of Survey, Settlement and Land Records, Govt of AP
Gruhakalpa Buildigns , Gandhi Bhavan Road, Hyderabad

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West Godavari District

10 The Marakandupadu Gram Panchayat, Marakandupadu, Chagallu Mandal
West Godavari Dist

11 The Andhra Pradesh Pollution Control Board
Eluru, West Godavari Dist

12. Two CCs to G.P. for Revenue, High Court Building (OUT)

13. Two CD copies.